

21 | range of 15-20 feet, over the course of the year it may be as much as 75 feet. The point about
cont'd | reservoir levels not having gradual changes, but changing in very discrete ways each year, is well
made.

Page S-8, S.3.4.

22a | How often would the 75R or Flood Control alternatives provide for a surplus declaration?
22b | There is also the question of when the entire allocation of a State is being used. Some Indian
Tribes on the river are not using all of their water and the implication given here is that full
allocations are being used by 2004.

22a: The probabilities of surplus water for the Lower Division states are shown on Tables 3.4-1, 3.4-2, and 3.4-3.

22b: Tribal water allocations are included in the state apportionments. If a Tribe is not using part of its water allocation, the unused part is available for other users within the state.

23 | The issue of flood flows to Mexico is also raised. Mexico can only get its 200,000 acre
feet of "excess" flood water under the Flood Control alternative, and then only after all beneficial
uses under surplus water contracts in the U.S. are filled. The conditions under the more liberal
alternatives that would provide Mexico with this water should be mentioned in this summary.

23: A surplus for Mexico is only made under flood control conditions.

Page S-10, S.3.6.

24 | Flood releases should not just be reviewed in terms of damaging flows, but in terms of
lower releases that may provide biological benefits to groundwater, backwater and marsh
freshening and sediment transport. The Service recognizes that predicting these lower flows is
more difficult, but the effects of losing these due to the liberal criteria may be important.

24: Comment noted. Flow variations up to the level of damaging flows are inherent in the analysis of habitat along the river, as analyzed in this FEIS.

Page S-10, S.3.7.

25 | It is surprising to us that no effects to the fisheries in Lake Mead are predicted to occur.
Data on effects of severe fluctuations, long-term reduced water levels and other factors is
available in the literature on reservoir management (for example, see Ploskey 1983 and Hall
1971).

25: The analysis recognized that fluctuations anticipated for the action alternatives are within historical ranges under which native species have diminished in the reservoirs. Populations of non-native sportfish species have, in general, become well established in the reservoirs, and the interim surplus criteria alternatives are not expected to result in any change to this trend.

Page S-11, S.3.8.

26 | Special status plant species may also lose existing habitat if receding lake levels dries it
out of usable condition. Also, new habitats may be colonized by other species and not provide
habitat for the species of interest.

26: The summary has been changed to include the observation that new habitats could be colonized by other species, in particular non-native weedy species. This is also discussed in Section 3.8 in the Environmental Consequences subsection.

27 | Fluctuating water levels also have adverse effects to nesting of both Yuma clapper rails
and black rails. While marsh habitat may be formed, water level fluctuations may render it less
suitable.

27: The following statement has been added to the FEIS "In addition, fluctuations in water levels may potentially disrupt nesting of Yuma clapper rail and California black rail".

Page S-12, S.3.8.

28 | There may be effects to razorback sucker reproduction and recruitment in Lake Mead that
are not adequately addressed in the DEIS.

28: Revisions were made to Sections 3.8.2.3.3 and 3.8.2.3.3.5

Page S-13, S.3.10.

29 | It should be noted that power contract renewals will have an effect on the amount of
power generation lost and the amount of mitigation needed. Power generation is dependent upon
the available water and is subservient to it.

29: This analysis does not make any assumptions related to contract renewals. However, it is possible that Western Area Power Administration would only make contract commitments when the current contracts terminate based on the foreseeable amounts of capacity and energy during the next contract term.

- 30 | Page S-15, S.4.3.
It might be helpful for readers to mention here that the models are not predictive, and thus the actual costs and benefits realized are not known. An explanation of the increased opportunities for more efficient use of river water supplies is also appropriate, since no real conservation program that would free up river water for other beneficial uses is proposed in the plans.
- 31 | Page S-16, S.4.4.
A statement on the need for California to show sufficient progress in meeting the 4.4 Plan as essential to the continuation of use of interim surplus criteria should be included here.
Chapter 1: Introduction and Background
- 32 | Page 1-1, 1.1
Please cite the source of the management objectives provided in the 2nd paragraph.
- 33 | Page 1-3, 1.1.2
Paragraph 2: Please include information on how many surplus years have been declared to date.
- 34 | Page 1-3, 1.1.3
paragraph 1: Please note that the LROC is provided in Attachment A. Also, please include here that the reason why the current surplus criteria are inadequate is because of California's need for extra water while the 4.4 Plan is implemented.
- 35 | paragraph 2: Please explain whether Arizona or Nevada can get flood surplus water (or indeed, any surplus water), if they are not already using their entire normal allocation.
- 36 | Page 1-4, 1.1.4
please explain more fully how and when Mexico can obtain the 200,000 af of water under the existing conditions. Do all potential U.S. uses have to be met first?
- 37 | Page 1-8, 1.3.1
paragraph 1: Although it is noted in item 7 on page 1-9, please explain here why the Gila River inflow is not counted as Colorado River water. This section is somewhat confusing to the reader on the issue of what water counts and what does not.
- 38 | Page 1-12, 1.3.2.2.1
paragraph 1: In the depletion schedules, the Upper Basin depletions reach approximately 5.2 million af. This paragraph indicates a use of 6 maf. Please address this discrepancy.
- 30: Reclamation believes that the current discussion in this section is adequate.
- 31: As discussed in Section S.4.4, continuation of interim surplus criteria would be at the discretion of the Secretary. The Secretary's decision to continue or terminate interim surplus criteria would be based on a number of factors which may include California's progress in meeting the goals of the California Colorado River Water Use Plan.
- 32: See Table 1-1, "Documents Included in the Law of the River" for the complete reference. The specific documents to note as sources are: The Boulder Canyon Project Act of 1928, the 1964 Supreme Court Decree in Arizona v. California, and the Colorado River Basin Project Act of 1968, the Long Range Operating Criteria of 1970, and 43 CFR 417, "Procedural Methods for Implementing Colorado River Water Conservation Measures with Lower Basin Contractors and Others."
- 33: Section 1.3.4.1 provides data on how many surplus years have been determined.
- 34: See response to Comment 57-5. Currently, there is no specific surplus criteria. The surplus determination is made annually using the Annual Operating Plan process and dynamic factors. This does not allow the Lower Division States the ability to plan their internal water management as well as they might.
- 35: Under the terms of the Decree, when a Lower Division State needs more than its apportionment of consumptive use, the Secretary may make unused apportionment from another state available to it. If the total Lower Division consumptive uses do not exceed 7.5 maf, surplus water is not needed by the Lower Division States. Surplus water may be made available to entities in Arizona, California and Nevada who have entered into surplus water contracts with the Secretary. Surplus water, when made available, is shared as specified in the Decree--50 percent for use in California, 46 percent for use in Arizona and 4 percent for use in Nevada. Unused surplus water by one state may also be made available for use in another state.
- 36: Section 3.3.3.3, General Modeling Assumptions describes the assumptions made in regards to when deliveries of Treaty surplus are available to Mexico.
- 37: We have revised paragraph 1.3.1 in the FEIS to make this clarification.
- 38: The discrepancy is due to the fact that the depletion schedule in Attachment J of the DEIS does not account for evaporation from Upper Basin storage units. This evaporation is shared by the Upper Basin States and should be accounted for as an Upper Basin depletion. After allowing for evaporation, the projected Upper Basin depletions will be very close to 6.0 maf in year 2050. We have updated Attachment K in the FEIS to show a column for evaporation from Upper Basin storage units.